

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Carolle M. Bordes

Case No. 09-24257-rdd

Chapter 13

Debtor.

Objection to Confirmation
of Proposed Chapter 13 Plan

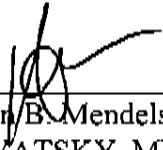
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Bank of America, N.A. ("BOA"), by its attorneys, Zavatsky, Mendelsohn & Levy, LLP, as
and for its objection to confirmation of the debtor's proposed Chapter 13 plan, respectfully
represents and shows as follows:

1. That BOA is the holder of a valid and duly perfected first mortgage lien, dated December 7, 2007 on the debtor's real property, located at, and known as and by, 18 Cross Street, Suffern, NY.
2. That on or about December 28, 2009, BOA filed a proof of claim with this Court listing a total indebtedness of approximately \$460,000.00, and pre-petition arrears of more than \$63,000.00. That claim has been marked as claim number one on the claims register.
3. The proposed Chapter 13 Plan filed by the debtor provides for the payment of \$135.00 per month, from December, 2009 and through and including December, 2014. In total, the plan will pay approximately \$6,000.00 to the Chapter 7 Trustee. The plan is woefully inadequate to cure the substantial arrears set forth in the proof of claim filed by BOA. Moreover, the arrears set forth in the plan are approximately \$15,000.00 less than those actually due and owing.
4. Since the plan does not cure the pre-petition default due and owing to BOA, the plan may not be confirmed as a matter of law.

WHEREFORE, your affirmant, as the attorney for BOA respectfully requests that an order be made and entered herein denying confirmation of the debtor's proposed Chapter 13 plan; and for such other, further and different relief as this court seems just and proper.

Dated: Syosset, New York
January 25, 2010



Allan B. Mendelsohn
ZAVATSKY, MENDELSON, & LEVY
Attorneys for Bank of America, N.A.
33 Queens St., P.O. Box 510
Syosset, N.Y. 11791

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AFFIDAVIT OF MAILING

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STATE OF NEW YORK)
)ss.:
COUNTY OF NASSAU)

Sharon Brown, being duly sworn, deposes and says; that deponent is not a party to the action, is over the age of 18 years and resides at Bellmore, New York.

That on the date this Affidavit was sworn to, deponent served the within Objections to Proposed Confirmation of Chapter 13 plan on the following persons:

Carolle Bordes, 18 Cross Street, Suffern, NY 10901

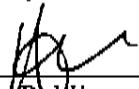
Joshua N. Bleichman, Esq., Bleichman & Klein, 268 Route 59, Spring Valley NY 10977

Jeffrey L. Sapir, Esq., 399 Knollwood Road, Suite 102, White Plains, NY 10603

the address(es) designated for that purpose, by depositing a true copy of the same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


Sharon Brown

Sworn to before me this
29 day of January, 2010



Notary Public

ALLAN B. MENDELSON
Notary Public, State of New York
No. 02ME47800000
Qualified in Nassau County
Commission Expires January 31, 2012

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OBJECTION TO CONFIRMATION OF PROPOSED CHAPTER 13 PLAN

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